THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No.4716 of 2007

08-03-2007

Between:-

Smt. M. Paravartha Vardhanamma
and another.

Petitioner

And

The Land Acquisition Officer &
Revenue Divisional Officer,
Kovvur, West Godavari district and two others.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No.4716 of 2007

Oral order:

Petitioners' lands in a total extent of Ac.01-80 cents of which Ac.01-35 cents of the first petitioner and Ac.0-45 cents of the second petitioner situated in survey Nos. 52/4 and 52/5 of Penumantra Garuvu village, Penumantra mandal, West Godavari district were proposed for acquisition for providing house sites to people belonging to the weaker sections under the 'INDIRAMMA SCHEME'. Opportunity under Section 5-A of the Land Acquisition Act, 1894 (for short 'the Act') was afforded to the petitioners to lodge their objections to the acquisition process. By their representation dated 17-06-2006, the petitioners jointly objected to the acquisition *inter alia* contending that these lands are the only source of their livelihood and if

acquired, the first petitioner would be rendered landless and the second petitioner a small farmer. The representation also vaguely asserted that there are several individuals in the village holding vast extents of land similar in nature to the lands sought to be acquired and that there are also residential plots available which have been developed for the purpose of house sites and that their lands are far away from the main village and not suitable for residential purpose. They also contended that on account of continuous activity of growing water intensive crops, the lands are ill-suited for construction of houses.

The third respondent, by the order dated 23-01-2007 communicated to the petitioners, having considered the report of the first respondent in this regard and the objections of the petitioners, concurred with the report and found the objections not substantive and rejected the same. Petitioners are thus before this Court.

Learned counsel for the petitioners contends that the objections of the petitioners have not been cogently and seriatim considered by the third respondent. The joint representation of the petitioners dated 17-06-2006 discloses that except contending that the first petitioner would be rendered landless and the second petitioner a small farmer and vaguely alleging that there are other individuals having vast extents of land; the lands proposed for acquisition are at a distance from the village

and are unsuitable for housing on account of the water intensive crops sown, no other objections to the proposal for acquisition were set forth.

The provisions of the Act are in the nature of compulsory purchase of private property by the State. On acquisition of land, the land owners would be entitled not only to the market value, but also additional market value and solatium apart from a reasonable interest, if the payment of compensation is delayed beyond the stipulated time. There is thus adequate compensation contemporaneous to the market value payable to the landowners apart from solatium. The process of acquisition therefore is not expropriatory. The consideration appropriate on the objections lodged under Section 5-A of the Act should be considered and subjected to scrutiny by the judicial branch having due regard to the broad purposes of the Act and in the context of fact that the acquisition process is not expropriatory. Within such context, the petitioners' objections are seen to have been adequately considered and rationally analyzed. This court discerns no fatal infirmity in the order of the third respondent rejecting the petitioners' objections, warranting interdiction under Article 226 of the Constitution of India. There are no merits in the writ petition.

The writ petition is accordingly dismissed at the stage of admission, after hearing the learned Government Pleader for Land Acquisition also. No costs.

GODA RAGHURAM, J

Dated:08-03-2007
Pvks/*